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Via Overnight Delivery

13 November 1998

Mr. William Bullard, Jr.  
Executive Secretary  
Public Utilities Commission of  
South Dakota  
State Capitol  
500 East Capitol Street  
Pierre, South Dakota 5701-5070

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SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION

RE: In the Matter of Telecommunications Rulemaking, Docket No. RM 98-001

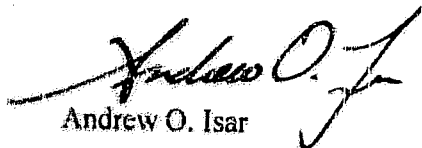
Dear Mr. Bullard:

Enclosed please find a corrected copy of page fifteen of the *Comments of the Telecommunications Resellers Association* the above-captioned proceeding. You will note that footnote 7 has been modified to omit any reference to CompTel position papers, as those references should not have been included in the comments that were sent to the Commission. I apologize for any inconvenience this oversight may have caused.

Questions may be directed to the undersigned.

Sincerely,

Telecommunications Resellers Association



Andrew O. Isar

Enclosures

involved. Both customers and the service providers whose customers have been slammed are victimized by the actions of unscrupulous service providers who taint the reputation of reputable service providers and the industry as a whole. Adoption of rules that impose strict requirements governing verification of customer account transfers and penalties, coupled with vigorous enforcement and consumer education, are the keys to protect the public from the acts of disreputable service providers.

The current Federal Communications Commission ("FCC") telemarketing rules, 47 C.F.R. §§64.1100 and 64.1150, have served as a useful guideline of reasonable requirements for confirming new service subscriptions. State rules that are fashioned after the FCC's current telemarketing rules, such as those proposed by the Commission, have proven particularly effective when coupled with vigorous enforcement action against disreputable and illegitimate service providers whose intent is to defraud the public. Currently, at least forty (40) states' slamming rules generally mirror current federal telemarketing rules.<sup>7</sup> TRA generally supports the Commission's proposed slamming rules, with the following clarification and proposed amendments.

A. Penalties and Sanctions Should Appropriately Be Imposed on Disreputable Providers and Those Who Engage in Repeated Slamming.

Proposed rule 20:10:34.06, *Telecommunications company liability*, appropriately imposes penalties or sanctions in the event of intentional (and undocumented) slamming. Slamming rules must eliminate the financial incentives for

<sup>7</sup> According to information available to TRA, slamming regulation adopted in the following states generally mirror current federal slamming rules: Alabama, Alaska, Arizona, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Indiana, Iowa, Kansas, Maine, Maryland, Massachusetts, Minnesota, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.